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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,189	09/09/2003	Joseph E. Legare	Legare-PAUS0003	1625
58937 7590 01/19/2010 WOLFF LAW OFFICE, PLLC P.O. BOX 9855 CHAPEL HILL, NC 27515-9855				
EXAMINER TRAN, DIEM T				
ART UNIT 3748		PAPER NUMBER		
MAIL DATE 01/19/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOSEPH E. LEGARE

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Application No. 10/657,189  
Technology Center 3700

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Mailed: January 19, 2010

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Before PAMELA S. BENNETT, *Paralegal Specialist*.

BENNETT, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 11, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief and Amendment After Final<sup>1</sup> were filed in this application on August 10, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II, or the Amendment After Final.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the Reply Brief and Amendment after Final filed August 10, 2009, as indicated above;
- 2) to have the Reply Brief listed on the PALM Content Information page; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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<sup>1</sup> It is noted that the Reply Brief has not been listed on the PALM Content Information page. Correction is required.